

4
**OPEN MEETING ITEM
MEMORANDUM**



0000025049

RECEIVED

2001 APR 17 P 2:32

AZ CORP COMMISSION
DOCUMENT CONTROL

TO: THE COMMISSION

FROM: Utilities Division

DATE: April 17, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A
U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF A PAGING
INTERCONNECTION AGREEMENT WEBLINK WIRELESS, INC. (DOCKET NO.
T-01051B-01-0212)

On March 8, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an application for approval of an Interconnection Agreement between Qwest and Weblink Wireless, Inc. ("Weblink"). The term of the Agreement shall be effective upon Commission approval and remain in effect until January 18, 2002. Upon expiration, the agreement shall remain in force and effect until terminated by either party on one hundred sixty (160) days written notice. The Agreement governs the terms and conditions under which Qwest will offer interconnection to Weblink.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Agreement between Qwest and Weblink was voluntarily negotiated, without resort to arbitration.

Under the terms of the Agreement, Qwest will provide services to interconnect its network with Weblink Wireless' network. The Agreement covers both Type 1 and Type 2 Paging Connection Service which enables Qwest's end users and other telecommunications carriers transiting Qwest's network to page end users of Weblink's network.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission

DOCKETED

APR 17 2001


DOCKETED BY	SD
-------------	----

THE COMMISSION

April 17, 2001

Page 2

Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Interconnection Agreement between Qwest and Weblink.

A handwritten signature in black ink, appearing to read "Deborah R. Scott", with a long horizontal flourish extending to the right.

Deborah R. Scott
Director
Utilities Division

DRS:EAA:lhv\MAS

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
Chairman

3 JIM IRVIN
Commissioner

4 MARC SPITZER
Commissioner

5
6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF A PAGING CONNECTION AGREEMENT)
8 WITH WEBLINK WIRELESS, INC.)

DOCKET NO. T-01051B-01-0212

DECISION NO. _____

ORDER

9
10 Open Meeting
May 1 and 2, 2001
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On March 8, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications,
15 Inc., filed an application for approval of an Interconnection Agreement between Qwest, and
16 Weblink Wireless, Inc. ("Weblink"). The term of the Agreement shall be effective upon
17 Commission approval and remain in effect until January 18, 2002. Upon expiration, the
18 Agreement shall remain in force and effect until terminated by either party on one hundred sixty
19 (160) days written notice. The Agreement governs the terms and conditions under which Qwest
20 will offer interconnection to Weblink.

21 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local
22 exchange carriers to make their networks available for interconnection and resale by new entrants
23 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to
24 be concluded by voluntary negotiation.

25 3. This Agreement between Qwest and Weblink was voluntarily negotiated, without
26 resort to arbitration.

27 4. Under the terms of the Agreement, Qwest will provide services to interconnect its
28 network with Weblink Wireless' network. The Agreement covers both Type 1 and Type 2 Paging

1 Connection Service which enables Qwest's end users and other telecommunications carriers
2 transiting Qwest's network to page end users of Weblink's network.

3 5. According to the 1996 Act and Commission Rule, the Commission must approve
4 voluntarily negotiated interconnection and resale agreements, if their provisions are non-
5 discriminatory and in the public interest.

6 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the
7 public interest. Qwest is offering the same terms and conditions of the Agreement to all other
8 interested parties. The Agreement is in the public interest because it will act to further competition
9 in the local exchange market in Arizona.

10 7. Since there are no grounds for rejection of the Agreement pursuant to Section
11 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
12 Interconnection Agreement between Qwest and Weblink.

13 CONCLUSIONS OF LAW

14 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
15 Section 2, of the Arizona Constitution.

16 2. The Commission has jurisdiction over Weblink and over the subject matter of the
17 Application.

18 3. The Commission, having reviewed the Application and Staff's Memorandum has
19 determined that the Interconnection Agreement negotiated between Qwest and Weblink meets the
20 requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-
21 negotiated agreements and is in the public interest.

22 4. The Commission maintains jurisdiction over the subject matter of the Agreement
23 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission
24 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
25 promulgated thereunder.

26 ...

27 ...

28 ...

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Interconnection Agreement between Qwest and Weblink filed on March 8, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
Executive Secretary of the Arizona Corporation
Commission, have hereunto, set my hand and caused the
official seal of this Commission to be affixed at the Capitol,
in the City of Phoenix, this ____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:lhmm\MAS

1 SERVICE LIST FOR: Qwest Corporation and Weblink Wireless, Inc.
2 DOCKET NO. T-01051B-01-0212

3 Ms. Theresa Dwyer
4 Fennemore Craig
5 3003 North Central Avenue, Suite 2600
6 Phoenix, Arizona 85012

7 Mr. Michael Lambring
8 Weblink Wireless, Inc.
9 3333 Lee Parkway, Suite 1200
10 Dallas, Texas 75219

11 Mr. Timothy Berg
12 Fennemore Craig
13 3003 North Central Avenue, Suite 2600
14 Phoenix, Arizona 85012

15 Mr. Christopher C. Kempley
16 Chief Counsel
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

20 Ms. Deborah Scott
21 Director, Utilities Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007